

REMARKS

Upon entry of the amendment, claims 1 through 22 will be pending.

A. Regarding the Amendments

By the present communication, claim 5 has been amended to be rewritten in independent claim format. It is submitted that the amended claim 5 merely incorporates limitations identified in non-elected claim 1 and, therefore, does not add new matter. Claim 10 has been amended to amend a clerical error.

B. Regarding the Restriction Requirement

Applicants elect, with traverse, Group II, consisting of claims 5 and 7-15, drawn to a polynucleotide encoding a Claspin polypeptide, and a vector and host cell comprising said polypeptide.

It is alleged in the Office Action that the claims are directed to four distinct inventions. The alleged four groups are set out as follows:

Group I: Claims 1-4, 6 and 22, drawn to a substantially pure Claspin polypeptide and variants thereof and a method of using said substantially pure Claspin polypeptide for modulating cell cycle progression, classified in class 530, subclass 350;

Group II: Claims 5 and 7-15, drawn to a polynucleotide encoding a Claspin polypeptide, and a vector and host cell comprising said polypeptide, classified in class 435, subclass 325;

Group III: Claims 16-18, drawn to a method for identifying a compound that modulates cell cycle progression, classified in class 435, subclass 6; and

Group IV: Claims 19-21, drawn to a method for modulating cell cycle progression comprising providing to the cell a reagent that affects the activity or expression of a Claspin polypeptide, classified in class 514, subclass 1.

Although Applicants traverse the restriction requirement for the reasons set forth below, the claims of Group II, claims 5 and 7-15, are provisionally elected in order to be fully responsive to the Office Action.

In re Application of:
Kumagai and Dunphy
Application No.: 09/982,091
Filed: October 17, 2001
Page 8

PATENT
ATTY. DOCKET NO.: CIT1320-1

CONCLUSION

In summary, Applicants provisionally elect the claims set forth in Group II for examination.

The Examiner is invited to contact Applicants' undersigned representative if there are any questions relating to this application. No fee is due in connection with this response. If any fee is due in connection with the filing of this response, the Commissioner is authorized to charge any fee (or credit any overpayment) to Deposit Acct. No. 50-1355.

Respectfully submitted,

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